



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/135,504	06/22/98	IGBINADOLOR	P

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WM21/0924

EXAMINER
GRANT, C

ART UNIT
2611

PAPER NUMBER
29

DATE MAILED: 09/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No. 09/135,504	Applicant(s) IGBINADOLOR
	Examiner Christopher Grant	Art Unit 2611

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED Jul 13, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) The period for reply expires 6 months from the mailing date of the final rejection.

b) In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____ . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.

3. The proposed amendment(s) will not be entered because:

(a) they raise new issues that would require further consideration and/or search. (See NOTE below);

(b) they raise the issue of new matter. (See NOTE below);

(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See the attached response from the examiner

4. Applicant's reply has overcome the following rejection(s):

5. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).

6. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:

7. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

8. For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: all claims including claims 1 and 2 amended 5/23/01

9. The proposed drawing correction filed on _____ a) has b) has not been approved by the Examiner.

10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

11. Other:

Christopher Grant
CHRISTOPHER GRANT
PRIMARY EXAMINER
ART UNIT 2611

Art Unit: 2611

DETAILED ACTION

Note to applicant

1. **An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure.** While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

2. Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Status of Application

3. Applicant's application cannot be allowed (i.e. cannot be patented) at this time because of the following:
 - (i) the specification appears to contain new matter.
 - (ii) the claims appear to contain new matter.

Art Unit: 2611

(iii) the claims are vague and/or indefinite.

4. Applicant's application fails to meet the legal requirements of 35 United States Code (USC).

Additionally, applicant's application has formal defects governed by 37 Code of Federal Regulations (CFR).

All statutes (35 USC) and rules 37 CFR are provided on the PTO web site at www.uspto.gov.

Defects under 35 USC are very serious and must be overcome. Deficiencies under 37 CFR are less serious, but applicant must still overcome them. The examiner if needed, can assist applicant in fulfilling the requirements of 37 CFR.

Specification

5. The substitute specification filed 5/23/01 is rejected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

a) On page 3, lines 18-21, “**...Fig. 1 of embodied components of mike and cam of alternate wire switch designed to capture and still audio/video pictures while in satellite/wireless mode that would record automatically upon impact, accident, and or hijack.”**

Art Unit: 2611

b) On page 5, lines 5-9, “, and to eject said medium if it contains pre recorded data signals, as an error in function selection. For instance,super sensor scanner...”

Applicant should note that only a few examples are listed above.

Applicant is required to review the entire substitute specification (pages 1-45) and cancel all new matter.

If applicant contends that the substitute specification does not contain any new subject matter, then applicant must indicate the page and line number of the corresponding subject matter in the originally filed specification for review by the examiner.

Drawings

6. The drawings are objected to because of the following:

a) Figures 8-12 have numerous and/or cumbersome hand written information which are difficult to read.

7. Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of two parts:

a) A *separate* letter to the Draftsman in accordance with MPEP § 608.02(r); and

Art Unit: 2611

b) A print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02(v).

IMPORTANT NOTE: The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and *may not be deferred*.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

Art Unit: 2611

9. The specification is objected to under 37 CFR 1.71 because the description of the invention appears to be incomplete and/or not clear. The current invention is generally an audio/video car dubbing system. However the specification fails to point out how audio or video is transferred from one medium to another. Applicant's current disclosure (specification and drawings) lists or catalogs the various items that are found in the system, but it fails to specify how the car dubbing system actually works or functions.

10. Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure fails to suggest or teach "**stored power cell**" now recited in claim 1, lines 3-4 (page 40).

The disclosure fails to suggest or teach "**accessory modulator of a wire switch connected to said optional wire input port.....**" now recited in claim 1, lines 3-4 (page 40).

The disclosure fails to suggest or teach "**said device of claim 1 to record without commercial breaks**" now recited in claim 1, line 33 (page 41).

The disclosure fails to suggest or teach the **detailed limitations** now recited in claims 1-2. Applicant has provided pen written notations in the markup copy that refer the currently claimed subject matter back to the subject matter in the original filed specification. Although some

Art Unit: 2611

portions of the currently claimed subject matter refer back to the originally filed subject matter, the Examiner contends that applicant has added new subject matter to the originally filed disclosure. Applicant must cancel all new subject matter from the claims.

If applicant contends that the claims do not contain any new subject matter, then applicant must indicate the page and line number of the corresponding subject matter in the originally filed specification/drawings for review by the examiner.

11. Claims 1-2 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

For example:

Claim 1 recites the limitation "**said means of transmitting the device embodied frequency signals of new music releases**" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "**said auxiliary output device**" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2611

Claim 1 recites the limitation "**means of said accessory modulator of a wire switch**" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "**said optional input**" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "**said Ffc and Fds sensors**" in line 30. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 is vague because the limitation "chip or switch (Figs. 8, 10 , 15)" is referring back to figures which are objected to as discussed above.

Claim 2 is vague because the phrase "**Provided for optional use with the device of said claim 1**", in line 1, implies that all the limitations of claim 2 are not essential.

Claim 2 is vague because it is not clear which information or means the phrase "**and or information stored by means of claim 2**" in line 9 is referring to.

Claim 2 is vague because it contains language that refers back to claim 2. For example, note the phrases "**in such a manner that when said claim 2 is inserted**" (line 10) and "**said apparatus means of claim 2**" (line 12).

Response to Applicant's Amendments/Arguments

12. Applicant's response filed 5/23/01 have been fully considered.

Art Unit: 2611

13. Applicant should note that there is no art rejection because of the numerous rejections and objections to the disclosure and claims.

14. Prosecution of this application has been closed.

Applicant was given a Final Rejection on 01/16/2001. Applicant had a three month time period to respond without any fee. Applicant completed the response to the FINAL REJECTION at the end of the 6 month time period (7/16/2001) which did not allow the applicant additional time to respond to any Advisory Action issued by the examiner. An advisory Action is issued to any applicant's response to a Final Rejection that does not place the application in condition for allowance. Applicant's response was not in condition for allowance (i.e. not ready to be issued as a patent) at the end of the required time period and subsequently a Notice of Abandonment was issued.

Applicant should note the following MPEP sections

- a) Final Rejection MPEP 706.07 (a).
- b) Advisory actions MPEP 706.07 (f)
- c) Time period for reply MPEP 710
- d) Notice of abandonment MPEP 711.

15. Again, the Examiner urges applicant to secure the services of a registered attorney or agent to prosecute the application.

Art Unit: 2611

Conclusion

16. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

17. It is called to applicant's attention that if a communication is deposited with the U. S. Postal Service and mailed to the Office by First Class Mail before the reply time has expired, applicant may submit the reply with a "Certificate of Mailing" which merely asserts that the reply is being mailed on a given date. So mailed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231
on _____ (date).

Typed or printed name of person signing this certificate

Signature _____

Date _____

Art Unit: 2611

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 4700.

Chris Grant
Chris Grant
Primary Examiner
September 24, 2001